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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-09-00810 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST TO ADVANCE
	)	HEARING DATE TO NOVEMBER 17,
v.	)	2009 FOR JUDGMENT AND
	)	SENTENCING AND TO CONTINUE TO
LUIS ARGUIJO-RIVERA,	)	EXCLUDE TIME UNDER THE SPEEDY
	)	TRIAL ACT AND ORDER
Defendant.	)	Hearing Date: December 8, 2009
	)	Time: 10:00 a.m.

The above-captioned matter is set on December 8, 2009 before this Court for judgment, plea and sentencing. The parties jointly request that the Court advance this matter to November 17, 2009, and that the Court continue to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and November 17, 2009.

Mr. Arguijo is charged under 8 U.S.C. § 1326 as a deported alien found in the United States. On September 9, 2009, the parties submitted a Rule of Criminal Procedure 11(c)(1)(C) plea agreement to the Court in which the parties agree to a 4-level reduction in Mr. Arguijo's offense level pursuant to the government's early disposition program ("fast-track" program).

On September 15, 2009, the Court took the parties' proposed plea agreement under submission and referred this matter to the United States Probation Office for a criminal history

pre-sentence investigation. That report has been prepared. On October 16, 2009, the United States Probation Office disclosed its modified Presentence Report to the Court. On September 15, 2009, the Court also excluded time until December 8, 2009 pursuant to 18 U.S.C. § 3161(h)(1)(G) based on the Court's consideration of the proposed plea agreement to be entered into by the defendant and the attorney for the Government.

The parties stipulate and agree to advance the December 8, 2009 date to November 17, 2009, provided this date is convenient for the Court, because Mr. Arguijo is facing a sentence of three months in custody. Mr. Arguijo made his initial appearance in this judicial district on August 20, 2009. As a result, if the parties do not advance the December 8th sentencing date, Mr. Arguijo will serve more time in custody than is required under the terms of the parties' proposed plea agreement. Counsel for Mr. Arguijo contacted the John D. Woods, the United States Probation Officer who prepared the report, and Mr. Woods informed defense counsel that he is available for sentencing on November 17, 2009.

The parties further agree that the Court should continue to exclude time until November 17, 2009, pursuant to 18 U.S.C. § 3161(h)(1)(G), based on the Court's consideration of the proposed plea agreement to be entered into by the defendant and the attorney for the Government.

DATED: October 21, 2009

\_\_\_\_\_  
/S/  
DOMINIQUE THOMAS  
Assistant United States Attorney

DATED: October 21, 2009

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that on September 15, 2009, the Court took the parties' Rule 11(c)(1)(C) agreement under consideration;

2. Given that the parties' plea agreement contemplates a "fast-track" illegal reentry disposition;

3. Given that the Probation Office has completed a modified Presentence Investigation Report and disclosed that report to the Court;


4. Given that the parties have jointly requested to advance the sentencing date so that defendant is not required to serve more time in custody than is required under the terms of the parties' proposed plea agreement; and

5. Given that the United States Probation Officer is available on November 17, 2009;

Based on these findings, IT IS HEREBY ORDERED that the previously scheduled judgment, plea and sentencing date of December 8, 2009, at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated, and this matter is reset and advanced to November 17, 2009, at 10:00 a.m., for judgment, plea and sentencing.

IT IS FURTHER ORDERED that time continues to remain excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), from the date of this Stipulation to November 17, 2009, based on the Court's consideration of the proposed plea agreement to be entered into by defendant and the attorney for the government.

DATED:10/26/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge